

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, April 12, 2011

MEMBERS PRESENT: Chris Kehoe, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer
Robert Luntz

ALSO PRESENT: Daniel O'Connor, P.E., Village Engineer

1. Call to Order

The meeting was called to order at 8:00 P.M. by Chairman Kehoe.

2. PUBLIC HEARINGS

Croton Community Nursery School – Lower North Highland Place (Sec. 67.20 Bk. 2 Lots 5, 6, 9, 25) -- Application for a Preliminary Subdivision Approval.

Mr. Norman Sheer, attorney for the applicant, stated that based on the memoranda that had been referred back to the Planning Board from the Waterfront Advisory Committee and the Water Control Commission, the applicant was hopeful that the public hearing could be closed, a negative declaration issued, and then referred back to the WAC for a final consistency determination.

Chairman Kehoe asked if there were any comments on the public hearing; there were no comments. After briefly summarizing the subdivision application, he stated that he was satisfied with three lots, willing to vote to close the public hearing but needed to see specific conditions before granting preliminary approval for subdivision.

Ms. Allen stated that she would vote against the third lot because the houses at the bottom of the third lot could be compromised. There could be drainage issues due to the removal of trees, and therefore this lot was much less predictable than lots 1 and 2. She was very concerned about the houses further down the hill and what would happen when there are big storms. She believes that there is no control on how many trees will get cut down and believes that the village does not have a strong enough tree law should an owner of the property cut down all the trees.

The Village Engineer reviewed the tree permit policy and stated that the village could take action through violation/code enforcement and specific fines.

Ms. Allen referred to Mr. Watkins' comments from the previous meeting in which he had recommended that the arborist John Grant be brought in to evaluate the trees that might be cut down. Again, she reiterated her recommendation for a two-lot subdivision, not three.

Chairman Kehoe stated that he viewed the six-acre conservation parcel as tree conservation, but a condition could be made that would in some way delineate where the conservation parcel begins.

Mr. Kauderer stated that the Planning Board has been evaluating this application for over a year, the subdivision has been reduced from four lots to three lots, a drainage report has been provided, and therefore, it was time to approve the application.

Chairman Kehoe stated that he was satisfied with the three lots.

Ms. Allen stated that there were problems with the drainage report and referred to the paragraph in the letter dated February 16, 2011 from Dvirka and Bartilucci which states "it should be noted that even though the applicant has demonstrated the post-construction runoff rates do not exceed pre-development runoff rates, the overall volume of storm water runoff generated by the site will increase."

Mr. Norman Sheer and Mr. Ron Wegman both stated that the applicant has complied with the law and that the period of flow is extended but not increased.

When Ms. Allen stated that the stormwater management mechanisms cited in the drainage report was for a 10 year storm, Mr. Ron Wegner responded that the report included one year, 10 year and 100 year storm. Ms. Allen stated that she had not been aware that it included a 100 year storm.

Mr. Norman Sheer asked whether it would it be possible to vote for approval of the preliminary subdivision, issue a negative declaration dependent on conditions so it could then go directly to the WAC and return to the Planning Board for a final resolution.

Chairman Kehoe informed the Board that he would not be here at the next meeting. If he closes the public hearing, and issues the negative declaration, this would commit the Board to a lot count, and closes the process; however, it does not include the conditions that will be attached to the approval of the resolution.

Chairman Kehoe asked the Village Engineer for his opinion. The Village Engineer stated that the Board could hold off on preliminary subdivision approval because there will probably be a number of conditions, but could issue a negative declaration based on the documents and reports provided by the Water Control Commission and the Waterfront Advisory Committee which had indicated there are no environmental impacts. Mr. Aarons concurred with the VE.

Mr. Aarons made a motion to close the public hearing, seconded by Mr. Kauderer, and carried by a vote of 5-0 in favor. Motion was made by Mr. Kauderer to adopt a negative declaration based on the complete record and latest sets of drawings, and seconded by Mr. Luntz, and carried by a vote of 5-0 in favor.

Some of the conditions are as follows:

- 1) Debris is to be removed from the wetland buffer;
- 2) Storm water management system is to be inspected and maintained by future owners of the lot, to be put in the individual deed. Mr. Sheer confirmed that with such a condition on the deed, the village would then have the right to do the maintenance or bill the homeowner;
- 3) A survey to be completed of the conservation easements and formal marking system that shows the boundaries of the conservation parcel;
- 4) Recreation fees to be determined (but would leave the decision to VB);
- 5) The donation of acreage would be a Village Board decision;(village attorney)
- 6) Village trail committee and/or Westchester Land Trust might develop a system of trails in the conservation parcel;
- 6) Variance will be required for front yard setback for lot 1;
- 7) Provide a drawing that shows the potential 10 foot conveyance offer to benefit the neighboring property owner (an easement back to the open space)
- 8) Show access easement on plat to village

Because of the timing of the organization of the Board, there was concern that a new member, not having been through the entire application process, would be brought in and be unprepared to vote on a subdivision. Mr. Sheer also expressed some concern that there wouldn't be a quorum to vote on the subdivision application. Mr. Kauderer believed that a majority of the Planning Board supported a three lot subdivision subject to a formal resolution. Mr. Aarons also concurred that he would vote for a three-lot subdivision but that the resolution has to have clear conditions.

A motion was made by Mr. Kauderer, and seconded by Mr. Luntz to approve the preliminary subdivision for three lots subject to conditions presently suggested or that may be suggested prior to a final resolution and voted upon in a formal resolution. The motion was carried by a vote of 4 in favor (Chairman Kehoe, Mr. Aarons, Mr. Luntz and Mr. Kauderer) and 1 against (Ms. Allen).

3. NEW BUSINESS

a) Umami Café – 325 South Riverside Avenue (Sec. 79.13 Blk 1 Lot 60) – Application for Amended Site Plan to relocate dumpster area and use existing dumpster area for new walk-in cooler and reconfiguration and addition of parking spaces.

Mr. Craig Purdys, President of Umami Café, presented drawings and photographs to support his application to add parking spaces as well as to use the existing dumpster area for a new walk-in cooler.

The Planning Board reviewed the reconfiguration of the parking area to which seven (7) more spaces would be added to the existing seventeen (17) spaces that already exist through restriping and relocation of the dumpster area. Chairman Kehoe stated that the parking did not seem to be an issue in this application.

Mr. Kauderer asked about the residences behind the dumpsters and whether there would be any problem with odor since the dumpsters would be closer to these homes. Mr. Purdys responded that the dumpsters are steel roll-around and are convenient to lift in addition to twice weekly pick-up from the Department of Public Works.

Mr. Kauderer asked why it was detrimental to leaving the dumpsters where they were. Mr. Purdys stated that he wanted to serve more customers, and needed the extra storage space.

Chairman Kehoe suggested a motion be made to schedule a public hearing in which residents behind the restaurant would have a chance to speak.

A motion to schedule a public hearing on April 26, 2011, was made by Mr. Kauderer, seconded by Mr. Aarons, and carried by a vote 5-0.

b) Green Growler Grocery – 368 South Riverside Avenue (Sec. 79.13 Block 1 Lot 71) – Referral from Village Board for Special Permit for a Retail business (craft beer and artisanal snacks store) and decision on establishment of lead agency.

Chairman Kehoe stated that the application was a referral from the Village Board for a Special Permit for a retail business for craft beer and artisanal snacks. The Planning Board members discussed with the applicant, Ms. Seana O'Callaghan, President, WBSO Enterprises, Inc. the nature of the business in which the beer sold will be only sold for off-premises consumption, parking availability in which there will be two employee parking spaces behind the store as well as customer on-street parking, adjacent businesses' knowledge and agreement with this store, the intent to display a new sign, and some minor repairs. The Village Engineer had no conditions at the present time. The Planning Board believes that this application achieves the goals and objectives of Village Code Section 258-30.

Chairman Kehoe made a positive recommendation to the Village Board for the issuance of a special permit for the Green Growler Grocery and had no objection to the Village Board serving as lead agency.

Chairman Kehoe made a motion to recommend to the Village Board a Special Permit, seconded by Mr. Luntz, and carried by a vote of 5-0.

4. OLD BUSINESS

a) Zanfardino Subdivision – 101 Brook Street (Sec. 78.08 Block 5 Lot 3) – Application for Preliminary Subdivision Approval.

The applicant, Patrick Zanfardino presented the revised site plans and details which incorporated the review comments and recommendations from the Water Control Commission and the Waterfront Advisory Committee. The Village Engineer noted and was satisfied with these changes, with one question regarding the soil stockpile that is shown on a different lot, and therefore, could potentially be a problem if the lot is sold.

Mr. Zanfardino stated that having spoken with contractors, there wouldn't be much soil taken out, and consequently there would not be a lot of stockpiling or could be removed immediately, however, if he still owns the property, he can use the adjacent property.

Chairman Kehoe stated that Mr. Zanfardino should revise the drawing to show where on the lot the soil will be stored, unless it stays with the same owner and then the soil can be stored on the adjacent lot.

Mr. Luntz made a motion for a public hearing to be scheduled on April 26, 2011, seconded by Mr. Kauderer, and carried by a vote of 5-0.

5. NEW BUSINESS

a) John Boulos – Piney Point Avenue (Sec. 79.13 Block 4 Lot 44) – Minor Site Plan Application – presentation of updated survey.

b) Mark Franzoso – Piney Point Avenue (Sec. 79.13 Blk. 4 Lot 45) – Minor Site Plan Application – presentation of updated survey.

Mr. Ed Gemmola, representing John Boulos and Mark Franzoso, presented this Minor Site plan application for the construction of two single-family residences with parking aprons in a RA-9 zone. The property is entirely comprised of steep slopes. The applicants had been before the Planning Board a year ago, and Mr. Gemmola was here today to present an updated survey. Mr. Gemmola presented some details of the construction.

The Village Engineer stated that the next step is to refer to the Village's environmental consultant to have a tree survey updated which would verify the species and condition of the trees. Subsequently, the Village would ask for escrow money to be set aside to fund the tree survey. Because of the unusual design, the Village Engineer believes it would be useful to conduct a site visit to Cold Spring where this kind of house has been built. It would also be useful if the Board could see a site plan of such an existing house. Once the site visit is completed, then the Board would need to obtain detailed information about the site including soil information, how storm water will be directed, utilities, details of construction, the storage of materials/soil on site, and to determine the logistics of how the house is going to be built because of the steep slopes since equipment and machines will be difficult to get on lot.

Ms. Allen said that because of the sand bars in that area, the applicant might want to evaluate the soils sooner rather than later to see if this project is tenable. The Village Engineer stated that test borings would provide this information. Chairman Kehoe responded that even test borings on this site might be difficult given the steep slopes. There was some discussion regarding the area of disturbance and why a steep slopes permit was not required given that this property was all steep slopes. The Village Engineer responded that by this design, there was limited disturbance.

Chairman Kehoe asked an audience member, Steve Kaplan, of 29 Piney Point Avenue, if he would like to comment, even though this was not a public hearing. Mr. Kaplan expressed concerns about this project and stated that Piney Point is very narrow with no place to turn around. In addition, he believed that the residents on Nordica were unhappy because it would be an eyesore to look at when these homes were built.

Chairman Kehoe summarized the next steps: Bruce Donahue, the Village environmental consultant would be asked to conduct a tree survey, the Planning Board will do a site visit to Piney Point, Cold Spring to see a sample house, and Nordica Drive.

6. APPROVAL OF MINUTES

The minutes of Tuesday, February 8, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Kauderer, seconded by Mr. Luntz and carried by a vote of 3-2(abstention).

The minutes of Tuesday, March 8, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Aarons, seconded by Mr. Kauderer, and carried by a vote of 4-0-1(abstention).

There being no further business to come before the board, the meeting was duly adjourned at 10:00 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary